c - S.100/-

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BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. (Public Interest Litigation) 3314 /2004

PETITIONER : Khemlal Sinha S/o Shri Paltan Sinha, Aged about 65 years, R/o Ganjpara, Durg (Chhattisgarh).

VERSUS

RESPONDENTS

1. State Government of Chhattisgarh Through: Secretary, Local Self and Urban Development, Department, D.K.S. Bhawan, Raipur (C.G.).

2. Municipal Corporation, Durg, Through: Commissioner, Municipal Corporation, Durg (C.G.).

Received 3 Dpkd 03/11/04

P.R. No. 3342/04 Shrivastava

Presented by Shri A. Dey Adv.

dated 30-9-04

1 as per Court

WRIT PETITION UNDER ARTICLES 226/227 OF CONSTITUTION OF INDIA (PUBLIC INTEREST LITIGATION

3. Municipal Corporation Raipur
Through- Commissioner,
Municipal Corporation Raipur, Distt-Raipur

4. Municipal Corporation Bilaspur
Through- Commissioner,
Municipal Corporation Bilaspur, Distt-Bilaspur

5. Municipal Corporation Korba
Through- Commissioner,
Municipal Corporation Korba,Distt-Korba

XI-HC-78

(67)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(PIL) 3314/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH: -

HON'BLE MR. A.K. PATNAIK, CJ
& HON'BLE MR. SUNIL KUMAR SINHA, J.

27/06/2005: -

This is a Public Interest Litigation praying for a direction to the Municipal Corporations of Durg, Raipur, Bilaspur and Korba (respondents 2, 3, 4 and 5) to make arrangements for fire brigade and other fire extinguishing instrument and trained staff to handle the fire accidents. A prayer has also been made in this PIL to direct the authorities to keep up the existing hospitals in Durg City.

By order dated 31/01/2005, however, this Court directed looking to the importance of the matter that the State will get information from the eight other Municipal Corporations in the State who have not been joined as respondents with regard to the subject matter of this writ petition.

Heard Mr. Ajay Shrivastava counsel for the petitioner, Mr. P.S. Koshy, Dy. Advocate General, for the State of Chhattisgarh, Mr.Avinash Mishra counsel for respondent No.2, Mr. P. Diwakar, Sr. Advocate, with Mr. A.S. Kachhawaha counsel for respondent No.4, Mr. Sanjay K. Agrawal counsel for respondent 5 and Mr. B.D. Guru counsel for Municipal Corporations, Ambikapur, Jagdalpur, Raigarh and Chirmiri.

We have also perused the returns filed by the Municipal Corporations of the State of Chhattisgarh which shows that the steps are

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मामला क्रमांक W.P.(PIL) 3314/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

being taken by the Municipal Corporations for maintenance of fire brigade and arrangements for the prevention and extinction of fire.

Section 351 (1) of the Madhya Pradesh Municipal Corporation Act, 1956 which has also been adopted in the State of Chhattisgarh and renamed as Chhattisgarh Municipal Corporation Act, 1956 (*hereinafter referred to as "the Act"*) provides as follows: -

> "**351. Maintenance of fire brigade and arrangements for the prevention and extinction of fire.-** (1) For the prevention and extinction of fire, the Corporation shall maintain a fire brigade and shall provide such implements, machinery or means of communications as the Corporation may think necessary for the efficiency of the brigade.

It is clear from the aforesaid provisions of Section 351 of the Act that for the prevention and extinction of fire, the Corporation shall maintain a fire brigade and shall provide such implements, machinery or means of communication as the Corporation may think necessary for the efficiency of the brigade. The Municipal Corporations in the State of Chhattisgarh are under the obligations to maintain the fire brigade as well as have sufficient implements, machinery and means of communication as are necessary for the efficiency of the brigade.

We direct the Municipal Corporations in the State of Chhattisgarh to comply with the said provisions of Section 351 (1) of the Act and obtain sufficient number of implements, machinery or means for maintaining the fire brigade; so that fire accidents can be prevented and fire can be extinguished at the earliest without any harm to life and

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP(PIL) 3314/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

property. We also direct the State of Chhattisgarh to provide adequate funds to the Municipal Corporations wherever the Municipal Corporations are unable to manage the funds for the purpose.

This direction will be complied with within three months from today and copy of this order will be furnished to Mr. P.S. Koshy, learned Dy. Advocate General, appearing for the State of Chhattisgarh and to the learned counsel appearing for the Municipal Corporations by day after tomorrow.

Regarding maintenance of the Hospital at Durg, the petitioner may file representation before the appropriate authority and in case no action is taken on such representation, the petitioner is at liberty to move writ petition for the appropriate relief.

Sd/-
Chief Justice

Sd/-
Sunil Kumar Sinha
Judge

28.6.05
28.6.05